

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CV-733-D

RENEE JOHNSON,

Plaintiff,

v.

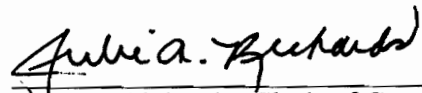
LEWIS & MCCARTHY, LLC, et al.,

Defendants.

**ORDER DENYING  
ENTRY OF DEFAULT**

On February 27, 2012, plaintiff filed a motion for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure against defendant Lewis & McCarthy, LLC [D.E. 8]. On March 21, 2012, plaintiff filed an amended complaint joining an additional defendant Ryan J. Walsh [D.E. 9]. On March 27, 2012, plaintiff filed an amended summons as to Lewis & McCarthy, LLC [D.E. 12], which the clerk issued on April 9, 2012 [D.E. 13]. Plaintiff has not filed a return of service on the amended summons. Plaintiff's filing of an amended complaint and request for an amended summons for Lewis & McCarthy, LLC calls into question whether service against this defendant was perfected and default is proper. Accordingly, plaintiffs' motion for entry of default is denied without prejudice [D.E. 8].

SO ORDERED. This 2<sup>nd</sup> day of May, 2012.

  
Julie A. Richards, Clerk of Court